

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF SAGINAW

MELISSA JAYNE CALICE,
Plaintiff,

vs. File No. 12-017215-DZ-1

RICHARD ANTHONY CALICE, JR.,
Defendant.

HEARING
BEFORE THE HONORABLE FRED L. BORCHARD, CIRCUIT JUDGE
Saginaw, Michigan - November 6, 2013

APPEARANCES:

For Plaintiff: TIMOTHY R. MCLEOD (P29880)
Burkhart, Picard, Tiderington & McLeod,
PLLC
820 N. Michigan Avenue
P.O. Box 6055
Saginaw, MI 48608
(989) 753-4441

For Defendant: THOMAS J. DEMETRIOU (P12663)
Demetriou and Associates, P.C.
4805 Towne Centre Road, Suite 101
Saginaw, MI 48604
(989) 793-6440

Reported: TRACY M. STEMLER, CSR-4023
Official Court Reporter

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESSES: PLAINTIFF

None

WITNESSES: DEFENDANT

None

EXHIBITS:

MARKED

RCVD

Defendant's No. 1 Hogenson Supplemental Report 10

5

1 Saginaw, Michigan

2 November 6, 2013

3 (Previous testimony taken in chambers; cannot
4 transcribe as it is not a public record.)

5 THE COURT: Thank you. The record will
6 reflect both parents are present. This is the date,
7 time, and place for continuing trial issues.

8 The parties both have been working diligently
9 with their counsel. The Court's had an opportunity,
10 also, to meet with them as well as interview the oldest
11 child, Rocco, this morning with our child custody
12 specialist, Miss Hogenson.

13 Miss Hogenson, by agreement of the parties
14 and counsel and Court, did more work on this case after
15 visiting with the parents at some length yesterday and
16 also talking with the Court, and I guess with that
17 background, I'm going to ask if Mr. McLeod or one of
18 the other attorneys would be kind enough --

19 MR. MCLEOD: Thank you, your Honor. For the
20 record, Tim McLeod, co-counsel of Tom Burkhardt, here
21 for Plaintiff, Melissa Calice. Mr. Demetriou is to my
22 left on behalf of Richard Calice. The Court's
23 recitation of recent history is correct.

24 If I may tender to the Court a document
25 marked Plaintiff's Exhibit Number 1, which

1 Mr. Demetriou and I are consenting the Court have and
2 enter as an evidentiary matter in this matter.

3 Briefly, for the record, your Honor, I'm
4 handing to the Court Jill Hogenson's supplemental
5 report dated 11/5, 2013, two-page narrative with an
6 attached sheet for recommendations. It is the intent
7 of the parties that the Court adopt the recommendations
8 as set forth on page three of Miss Hogenson's
9 recommendation as the order of the Court as regard to
10 provisions set forth in there pertaining to custody,
11 parenting time, et cetera.

12 That document is meant to supplement the
13 original report and recommendation against which both
14 parties have filed objections. Those objections are
15 being withdrawn. We're asking the Court to enter the
16 supplemental report and recommendations as an order of
17 the Court. Does the Court require Jill Hogenson to
18 verify that document, your Honor?

19 THE COURT: I don't think so, as long as both
20 counsel are in agreement that they received this from
21 Miss Hogenson.

22 MR. DEMETRIOU: We do, your Honor, and I've
23 indicated to my client that this will commence
24 effective immediately and he's agreed to be bound by it
25 and to have the Court go ahead and accept this as

1 Exhibit Number 1.

2 THE COURT: That will be received. Any other
3 comments?

4 MR. MCLEOD: Just inquiry of the client, your
5 Honor, when the Court is finished with any questions it
6 may have.

7 THE COURT: All right. I have no questions.
8 I do want to tell both parents, first off, I appreciate
9 you talking with the Court. As I told you before, you
10 have very competent counsel, some of the more
11 experienced attorneys that deal with domestic relations
12 issues, and I appreciate your working with them and
13 listening to what they have to say. I also appreciate
14 you bringing your son over for me to visit with him and
15 with Miss Hogenson.

16 I've been doing this going on 16 years. My
17 staff's heard me say that of all the children that I've
18 interviewed, and, I don't know, it's got to be close to
19 300 or more, I would take all but four of them home
20 with me. One I locked up and three I didn't have
21 feelings for one way or the other, and the rest of
22 them, I'm not kidding you, I would have taken them
23 home. Your son is right on the top of the pile with
24 them if both of you had said, Judge, if you'll take
25 him, raise him, we will give him up. I'd take him home

1 without my wife even seeing him. I very much enjoyed
2 visiting with him. He struck me as being a very
3 intelligent, very open, and just a joy to visit with.

4 And having said that, he loves you both very,
5 very much, there is absolutely no question in my mind.
6 I showed you a picture yesterday that really got me
7 that a young child gave me concerning their feelings
8 with divorce. It's probably the second most emotional
9 thing I had had was visiting with your son this morning
10 when I asked him afterwards -- I said anything that I
11 can help you with or you'd like to see done? And I
12 wrote it down.

13 His response was, "I wish my parents would
14 say they're sorry and forgive each other, work it out,
15 and get undivorced." It's obvious that he's, as I
16 said -- this is really emotional for him. I got to
17 believe it's emotional for your daughter, also.

18 The only other thing he said that -- and I
19 don't want you to bring it up with him, but I ask that
20 you keep this in mind when you're talking. He has told
21 me that he can lay in bed at night and he can hear his
22 parents say bad things -- bad words, I think it was.
23 Is that what he said, Jill, bad words to one another?
24 And he said it makes me sad.

25 So I just -- I can't stress enough, when

1 there are issues, if you can at least talk where they
2 aren't going to hear you or, better yet, go have
3 coffee, visit over it, or whatever, but I'm not kidding
4 you, I'd take him home. So he is a wonderful child and
5 you're doing something right with this little boy, so I
6 just ask you to really be super sensitive to his
7 feelings.

8 Even though I didn't visit with your
9 daughter, the law says when they're old enough to
10 suggest a preference, that I can visit with them. I've
11 had so many that are pretty intelligent, even five
12 years of age if she is anything like her brother. He
13 did tell me he wants to stay with his sister, and
14 without going into any details, what you're doing is
15 the right thing to do, and I don't want to say any more
16 and violate any confidence I have with him, but, Jill,
17 do you have anything you want to add?

18 MS. HOGENSON: No. I think those were the
19 important points. His love and desire for both Mom and
20 Dad were very clear.

21 THE COURT: Yeah. So, with that, if you'd
22 like to confirm, both of you.

23 MR. MCLEOD: Thank you for your comments.
24 It's very much appreciated. And, Melissa, I know that
25 has been very difficult, and I don't want to belabor it

1 anymore this afternoon. You've heard the recitation
2 that Mr. Demetriou and I have related to Judge Borchard
3 this morning, and this, the arrangement, is agreeable
4 to you for today and for the time being. Correct?

5 THE PLAINTIFF: Yes.

6 MR. MCLEOD: Thank you.

7 MR. DEMETRIOU: Tony, you've been here the
8 last couple of days and you have heard what's been said
9 here today. You had a chance to review Jill's second
10 amended recommendation. Correct?

11 THE DEFENDANT: I did.

12 MR. DEMETRIOU: And do you agree that this is
13 the way that you wish to resolve your custody issues
14 with Melissa?

15 THE DEFENDANT: I do.

16 MR. DEMETRIOU: And you want it to commence
17 immediately. Correct?

18 THE DEFENDANT: Yes.

19 MR. DEMETRIOU: Do you realize you're going
20 to continue to be under the temporary orders to pay
21 child support or spousal support until his Honor has a
22 chance to resolve that?

23 THE DEFENDANT: Yes.

24 MR. DEMETRIOU: And you've heard the Judge
25 say that you're free to go back to Maryland, and you

1 have to go back to work. Is that correct?

2 THE DEFENDANT: Yes.

3 MR. DEMETRIOU: And you also wanted to know
4 if the Judge will allow you to have dinner with your
5 son and daughter tonight?

6 THE DEFENDANT: Yes.

7 MR. DEMETRIOU: Would you like that?

8 THE DEFENDANT: I would.

9 THE COURT: Do you have any issue with that?

10 THE PLAINTIFF: (Shakes head.)

11 THE COURT: Thank you.

12 MR. DEMETRIOU: Thank you, your Honor.

13 THE COURT: He did indicate that he likes --
14 I don't know where you took him, but you took him to
15 some hotel with a hot-tub and something else, maybe a
16 pool, which he enjoyed.

17 I always laugh when I took my kids. I tried
18 to take them out of state, or whatever, and I told my
19 dad, I think, one time I think I could have taken them
20 to the Holiday Inn at the pool and they would have been
21 just as happy, but I wish you both well and I just ask
22 you to be as sensitive as you can to that. I know this
23 is tough.

24 The only other -- I want to get this done for
25 both of you. If the attorneys can talk to me on the

1 balance of debts, or whatever. What's the proposal?

2 MR. MCLEOD: May we confer with you, your
3 Honor, once the clients are allowed to leave here? I
4 think they probably want to get out of here.

5 THE COURT: Thank you both for your patience.
6 Trust me, we could have spent six weeks or more, and I
7 don't think it could have worked out any better for
8 this child and for his sister, so, with that, if you
9 want to come on back and visit on the balance.

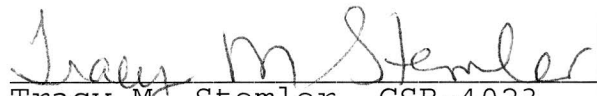
10 MR. MCLEOD: Thank you.

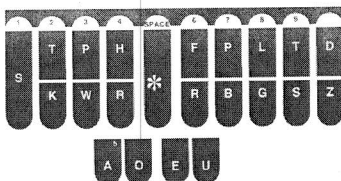
11 (Defendant's Proposed Exhibit Number 1 marked
12 for identification purposes.)

13 (Proceedings adjourned.)
14
15
16
17
18
19
20
21
22
23
24
25

1 STATE OF MICHIGAN)
2) SS
3 COUNTY OF SAGINAW)
4
5
6
7

8 I certify that this transcript is a complete, true
9 and correct transcript of the proceedings and testimony
10 taken in this case before the Honorable Fred L. Borchard,
11 Circuit Judge, in Saginaw, Michigan.
12
13
14
15
16

17 
18 Tracy M. Stemler, CSR-4023
19 Official Court Reporter
20 111 South Michigan Avenue
21 Saginaw, MI 48602
22
23
24
25



Tracy Stemler, CSR
Official Court Reporter
111 S Michigan Avenue
Saginaw, MI
48602

Invoice

Ref #: 000058

Date: Jan 21st 2015

To:

Richard Anthony Calice

Copy of the hearing held on the 6th day of November, 2013, before the Honorable Fred L. Borchard.

Item	Description	Unit Cost	Quantity	Cost (USD)
12-017215-DZ-1	Calice v Calice	3.25	11	35.75
Add Item				

Sub Total	35.75
Total Amount (USD)	35.75
Paid to Date	0.00
Balance	\$35.75

Payment due **on receipt**.

Powered by **Invoiceable**. Create invoices for free!

Want to remove this?